

ENTERED

June 03, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ERNESTO JAVIER MARTINEZ,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 5:18-CV-68

CRIMINAL ACTION NO. 5:13-CR-827

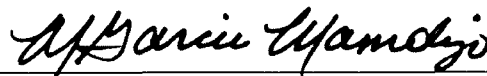
ORDER

United States Magistrate Judge Sheldon issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that Defendant's § 2255 Motion (Dkt. No. 1; Cr. Dkt. No. 62)¹ be **DENIED** and that this action be **DISMISSED**. (Dkt. No. 9; Cr. Dkt. No. 63). Neither Party has filed objections to the Report and Recommendation.

Applying a plain-error standard of review to the proposed findings and recommendations, the Court hereby **ADOPTS** the Report and Recommendation (Dkt. No. 9; Cr. Dkt. No. 63) as the findings and opinion of the Court. Accordingly, Defendant's § 2255 Motion (Dkt. No. 1; Cr. Dkt. No. 62) is **DENIED**, and this civil action is **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

SIGNED June 3, 2019.



Marina Garcia Marmolejo
United States District Judge

¹ "Dkt. No." refers to the civil case, and "Cr. Dkt. No." refers to the criminal case.